

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:21cr43-MHT
)	(WO)
JOHN COWART)	

OPINION

Defendant John Cowart entered a guilty plea to one count of possession with intent to distribute a controlled substance in violation of 21 U.S.C. § 841(a)(1). The court sentenced him to 87 months in prison followed by five years of supervised release. The court also decided that four months of a previously imposed 14-month revocation sentence based on the same conduct would run consecutively to the court's 87-month sentence. The court enters this opinion to explain its reasoning for the latter decision, which it failed to state on the record.

After considering 18 U.S.C. § 3553(a) factors, the court imposed the sentence for several reasons. First, pursuant to § 3553(a)(5), the court considered the

pertinent policy statements in the United States Sentencing Guidelines, which recommend that such sentences run consecutively. See *U.S. Sen'g Guidelines Manual* § 5G1.3(d) & n.4(C); § 7B1.3(f) & n.4. In offering that recommendation, the Commission reasoned that the revocation sentence should primarily punish the violation of the court's trust, with consideration given to the seriousness of the underlying conduct and the defendant's criminal history; the sentence for the new offense punishes the violation of the criminal law. *Id.*, Ch. 7, Pt. A(3)(b). The court decided that requiring that four months of the revocation sentence run consecutively would sufficiently vindicate the interests undergirding this policy. The court also determined that overall resulting combined sentence of 91 months sentence was "sufficient, but not greater than necessary, to comply with the purposes set forth in" 18 U.S.C. § 3553(a)(2) and that it was appropriate based on "the nature and circumstances of the offense and the history and characteristics of the defendant,"

§ 3553(a)(1). In particular, the court found the sentence appropriate given Cowart's age of 54, his health problems, his prior lengthy incarceration of 26 years and its impact on his psychological functioning and health, and the impact his leg injury had on his ability to obtain legitimate work as a convicted felon.

DONE, this the 12th day of October, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE